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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,356	06/06/2007	Wolfgang Becker	3926-279	8228

41288 7590 10/26/2009
PATENT CENTRAL LLC
Stephan A. Pendorf
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Hollywood, FL 33020

EXAMINER

PAIK, SANG YEOP

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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10/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,356	Applicant(s) BECKER ET AL.	
	Examiner SANG Y. PAIK	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/8/09, 9/11/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al (US 6,483,069) in view of Mombo-Caristan (US 5,595,670) or Sciaky et al (US 4,626,653).

Coleman shows the process claimed including a laser beam directed to the metal sheets wherein the laser beam produces a topographic change in the form of a weld bead between the metal sheets wherein the weld bead has a radius greater than the height of the bead extending from the sheet at the foot of the topographic change wherein the ratio peak radius and the height is at least 2:1 (also see Figure 6C). But, Coleman does not show that the laser beam is carried out in a movement with transverse and longitudinal components for the coated sheets.

Mombo-Caristan shows a laser beam for welding zinc coated steel wherein the laser beam describes a circular or elliptical movement with the combination of mirrors and lenses as the transverse and longitudinal components. Sciaky also shows that it is known in the art to provide a combination of the mirrors to allow a laser beam to describe a movement in a

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circular form that includes the transverse and longitudinal movement. Sciaky also shows its laser beam that is discontinuously applied with regard to its power.

In view of Mombo-Caristan or Sciaky, it would have been obvious to one of ordinary skill in the art to adapt Coleman with the beam laser that is carried in the transverse and longitudinal movement for the increased welding process having an increased welding speed without defects.

With respect to the vaporization productions in claim 6, it is noted that such vaporization would have inherently occurred as the result of applying the laser beam as that of the recited claim 6.

3. Claims 4, 5, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman in view of Mombo-Caristan or Sciaky as applied to claims 1-3, 6-13, 16 and 17 above, and further in view of Stol et al (US 6,740,845) or Robertson et al (US 5,038,016).

Coleman in view of Mombo-Caristan or Sciaky shows the process claimed except for the laser beam that is not focused on the surface.

Stol or Robertson shows that it is well known to provide a defocused laser beam for welding, and Stol further shows the laser beam that describes a movement in a circular or elliptical pattern, or any other desired pattern.

In view of Stol or Robertson, it would have been obvious to one of ordinary skill in the art to adapt Coleman, as modified by Mombo-Caristan or Sciaky, with the laser beam that is defocused since such defocused laser beam is well known to effectively weld the gaps between the metal sheets while prevent melting of the sheet substrate, and it would have been obvious to further adapt with laser

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beam in any figures including the recited figures to also effectively weld the abutting or adjoining coated metal sheets.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG Y. PAIK whose telephone number is (571) 272-4783. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571) 272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SANG Y PAIK/
Primary Examiner, Art Unit 3742